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**UNITED STATES DISTRICT COURT**

**NORTHERN DISTRICT OF CALIFORNIA**

ROBERT CRAGO, Individually And On Behalf  
Of All Others Similarly Situated,

Plaintiff,

v.

CHARLES SCHWAB & CO., INC., and THE  
CHARLES SCHWAB CORPORATION,

Defendants.

Case No. 3:16-cv-3938-RS

CLASS ACTION

**JOINT STIPULATION AND ~~PROPOSED~~  
ORDER FOR EXTENSION OF CLASS  
CERTIFICATION SCHEDULE  
AS MODIFIED BY THE COURT**

1 Pursuant to Local Rule 6-2, Lead Plaintiffs Robert Wolfson and Frank Pino and named  
2 plaintiff Scott Posson (“Plaintiffs”), and Defendants Charles Schwab & Co., Inc. and The Charles  
3 Schwab Corporation (“Defendants” or “Schwab” and, together with Plaintiffs, the “Parties”), by and  
4 through their respective counsel, for good cause, hereby stipulate as follows:

5 WHEREAS, on April 15, 2019, the Court entered a Case Management Scheduling Order  
6 setting the case schedule through the class certification hearing (ECF No. 144);

7 WHEREAS, the Parties have engaged in class certification and merits discovery and are  
8 continuing to meet and confer in good faith regarding outstanding issues;

9 WHEREAS, in connection with class certification discovery, Plaintiffs seek from third-party  
10 UBS Securities, LLC (“UBS”) the production of additional data regarding trade orders that Schwab  
11 routed to UBS during the Class Period;

12 WHEREAS, Plaintiffs were unable to reach an agreement with UBS regarding the  
13 production of trade data and on March 5, 2019, Plaintiffs filed a Motion to Compel Production in  
14 the United States District Court for the Southern District of New York (the “Motion to Compel”);

15 WHEREAS, oral argument was held on the Motion to Compel on May 29, 2019, during  
16 which the court instructed the parties to continue to meet and confer regarding the scope of the  
17 production with the understanding that UBS must begin the process of complying with Plaintiffs’  
18 subpoena;

19 WHEREAS, Plaintiffs have continued to meet and confer with UBS, and UBS has been  
20 producing trading data on a rolling basis, but production of the necessary trade data is not yet  
21 complete, and UBS has indicated that it needs additional time to complete its production;

22 WHEREAS, Plaintiffs need an extension of the current class certification deadlines to  
23 accommodate the receipt of full trade data from UBS;

24 WHEREAS, at Plaintiffs’ request, Defendants have agreed, with the Court’s approval, to  
25 modify the Case Management Scheduling Order to extend the deadlines through the class  
26 certification hearing;

27 WHEREAS, this is the Parties’ third request for an extension of the deadlines in the Case  
28 Management Scheduling Order;

1 NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, SUBJECT TO  
2 APPROVAL BY THIS COURT, as follows:

3 The deadlines through the class certification hearing shall be as follows:

Event	Deadline
Pre-class certification fact depositions	April 24, 2020
Plaintiffs' expert disclosures and report(s) concerning class certification (including any backup materials)	May 27, 2020
Defendants' expert disclosures and report(s) concerning class certification (including any backup materials)	August 12, 2020
Plaintiffs' rebuttal report(s) concerning class certification (including any backup materials)	October 1, 2020
Expert depositions concerning class certification	October 16, 2020-October 30, 2020
Plaintiffs' class certification motion and <i>Daubert</i> challenges	November 17, 2020
Defendants' class certification opposition, <i>Daubert</i> challenges, and <i>Daubert</i> opposition	January 19, 2021
Plaintiffs' reply brief, opposition to <i>Daubert</i> challenges, and reply to <i>Daubert</i> challenges of Defendants' expert(s)	February 5, 2021
Defendants' reply to <i>Daubert</i> challenges of Plaintiffs' experts	February 24, 2021
Class Certification Hearing	TBD (as soon as is practicable on a date convenient to the court)
Date for Parties to Seek to Engage in Private Mediation	July 15, 2020

21 IT IS SO STIPULATED.

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1 Dated: September 3, 2019

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1 Dated: September 3, 2019

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12  
13 **ATTESTATION**

14 I, Joshua Crowell, am the ECF User whose identification and password are being used to file  
15 this Proposed Order for Extension of Class Certification Schedule. In compliance with Local Rule  
16 5-1(i)(3), I hereby attest that Counsel for Defendants concur in this filing.

17  
18 DATED: September 3, 2019

19 *s/ Joshua Crowell*  
Joshua Crowell

**[PROPOSED] ORDER**

Based on the Parties' stipulation and the good cause described therein, the Court GRANTS this stipulation. The following schedule shall apply:

Event	Deadline
Pre-class certification fact depositions	April 24, 2020
Plaintiffs' expert disclosures and report(s) concerning class certification (including any backup materials)	May 27, 2020
Defendants' expert disclosures and report(s) concerning class certification (including any backup materials)	August 12, 2020
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Plaintiffs' reply brief, opposition to <i>Daubert</i> challenges, and reply to <i>Daubert</i> challenges of Defendants' expert(s)	February 5, 2021
Defendants' reply to <i>Daubert</i> challenges of Plaintiffs' experts	February 24, 2021
Class Certification Hearing	<del>TBD (as soon as practicable on a date convenient to the Court)</del> March 11, 2021
Date for Parties to Seek to Engage in Private Mediation	July 15, 2020

Absent a showing of extraordinary circumstances, no further extensions will be granted.

IT IS SO ORDERED.

DATED: September 5, 2019



Hon. Richard Seeborg  
U.S. District Court Judge